

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 05-2254

United States of America,

Appellee,

v.

Jeffery Lavelle Stovall, also known as
Mr. Moe, also known as Lil Moe,

Appellant.

*
*
*
*
*
*
*
*
*
*

Appeal from the United States
District Court for the
District of Minnesota.

[UNPUBLISHED]

Submitted: December 28, 2006

Filed: January 8, 2007

Before RILEY, COLLOTON, and GRUENDER, Circuit Judges.

PER CURIAM.

Jeffery Lavelle Stovall (Stovall) appeals the sentence imposed by the district court¹ after he pled guilty to aiding and abetting the possession of a firearm in furtherance of a drug-trafficking crime, in violation of 18 U.S.C. §§ 924(c)(1) and 2. His counsel moved to withdraw and filed a brief under Anders v. California, 386 U.S. 738 (1967), asserting Stovall's 132-month prison sentence is unfairly severe.

¹The Honorable David S. Doty, United States District Judge for the District of Minnesota.

In his written plea agreement, Stovall expressly waived the right to appeal, directly or collaterally, any sentencing issue, except for a claim of ineffective assistance of counsel. At the plea hearing, Stovall acknowledged the plea agreement and confirmed the appeal waiver. We conclude the appeal waiver is valid, and we enforce it. See United States v. Andis, 333 F.3d 886, 889-92 (8th Cir. 2003) (en banc) (court should enforce appeal waiver and dismiss appeal where it falls within scope of waiver, both plea agreement and waiver were entered into knowingly and voluntarily, and no miscarriage of justice would result; one important way the district court can ensure plea agreement and appeal waiver are knowing and voluntary is to properly question defendant about his decision to enter agreement and to waive right to appeal); see also United States v. Estrada-Bahena, 201 F.3d 1070, 1071 (8th Cir. 2000) (per curiam) (enforcing appeal waiver in Anders case).

Having reviewed the record independently under Penon v. Ohio, 488 U.S. 75, 80 (1988), we have found no nonfrivolous issues falling outside the scope of the appeal waiver. Accordingly, we dismiss the appeal and grant counsel's motion to withdraw.
